

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PAMELA S. PADDING,)	
<i>Plaintiff,</i>)	
)	
vs.)	1:11-cv-0640-JMS-DML
)	
QUESTAR CAPITAL CORP. & KIRK JAY DA-)	
NIELS,)	
<i>Defendants.</i>)	

ORDER TO FILE AMENDED COMPLAINT

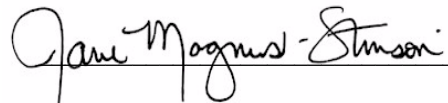
Plaintiff Pamela S. Padding filed a Complaint against Questar Capital Corporation (“Questar”) and Kirk Jay Daniels on May 12, 2011, alleging that this Court can exercise diversity jurisdiction over this matter. [Dkt. 1 at 2 ¶ 2.] The Court must independently determine whether proper diversity among the parties exists. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 533 (7th Cir. 2007).

Based on Ms. Padding’s Complaint, the Court cannot assure itself that diversity jurisdiction exists. Ms. Padding alleges that she is a Michigan resident and that Mr. Daniels is an Indiana resident. “[R]esidence and citizenship are not synonyms and it is the latter that matters for purposes of diversity jurisdiction.” *Meyerson v. Harrah’s East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002) (emphases added). Ms. Padding has not alleged the state citizenship of either herself or Mr. Daniels; therefore, she has failed to properly plead diversity of citizenship.

Additionally, Ms. Padding alleges that Defendant Questar is located in Minnesota. A corporation has two places of citizenship: where it is incorporated and where it has its principal place of business. *Smoot v. Mazda Motors of Am., Inc.*, 469 F.3d 675, 676 (7th Cir. 2006). Ms. Padding has not alleged either to these pertinent facts; therefore, she has failed to plead diversity of citizenship.

For these reasons, the Court **ORDERS** Ms. Padding to file an Amended Complaint by **May 27, 2011**, setting forth each party's citizenship in a manner consistent with this order. Specifically, the Amended Complaint shall plead the state citizenship of Ms. Padding and Mr. Daniels and where Questar is incorporated and where it has its principal place of business. Defendants must answer or otherwise respond to Ms. Padding's Amended Complaint in a manner consistent with the Local Rules and Federal Rules of Civil Procedure.

05/18/2011

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive, flowing style.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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